

Exhibit A

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE: ASHLEY MADISON CUSTOMER DATA)	
SECURITY BREACH LITIGATION)	
)	MDL No. 2669
This Document Relates to:)	
)	4:15-MD-2669-JAR
ALL CASES)	
)	

**DECLARATION OF BRIAN DEVERY REGARDING ACCOUNTING FOR
SETTLEMENT FUND**

I, Brian Devery, pursuant to section 1746 of title 28 of the United States Code, declare as follows:

1. I am a Project Manager with Angeion Group (“Angeion”), the claims administrator retained in this matter. Angeion’s office is located at 1801 Market Street, Suite 660, Philadelphia, PA 19103. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto. Angeion was appointed by the Court to serve as Settlement Administrator and to among other tasks, publish Notice; establish and maintain a case specific website and email address; establish and maintain a toll-free hotline; respond to Class Member inquiries; and perform other duties as specified in the Settlement Agreement, following the Court’s July 21, 2017 Order Granting Preliminary Approval of Settlement, Directing Notice to the Class, Scheduling Final Approval Hearing and Certifying a Settlement Class. Angeion is not related to or affiliated with any of the attorneys comprising Class Counsel or counsel for Defendants.

2. On August 3, 2017, Angeion established the following website devoted to this Settlement: <http://www.WebsiteDataBreach.com>. The Settlement Website contained general information about the Settlement, allows website visitors to file a Claim online, and contains Court documents (including the Long-Form Class Notice and the Settlement Agreement), as well as important dates

and deadlines pertinent to this matter. The Settlement Website also contained a “Contact Us” page whereby Class Members can contact Angeion via email to submit additional questions or documentation regarding the Settlement.

3. On November 20, 2017, the Court issued its Order Granting Final Approval of Settlement, Cy Pres Distribution, and Award of Attorneys Fees and Service Awards to the Class Representatives. Dkt. No. 383 (the “Final Approval Order”).

4. That Final Approval Order ordered that payment of attorney’s fees in the amount of \$3,733,333.33, and costs and expenses in the amount of shall \$78,032.38, be paid to Class Counsel. Final Approval Order, pp. 7-8.

5. The Final Approval Order also ordered that, after deductions for any attorneys’ fees and costs that the Court awards, the Class Representative Service Awards, any further Administration Costs, and any other Court-approved costs, expenses, or amounts, the balance of the non-reversionary \$11.2 million settlement fund will be distributed to Settlement Class Members. Final Approval Order, p. 8.

6. The Court furthered ordered that “if the amounts paid in cash distributions do not exhaust the settlement fund by the end of the claims deadline, the remainder will be donated to Internal Revenue Code Section 501(c)(3) charitable digital privacy or similar organization(s) jointly chosen by Class Settlement Counsel and Avid (the “Charities”).” Final Approval Order, at p. 4.

Distribution of Attorney Fees and Expenses

7. Pursuant to the Court’s Final Approval Order and the directive of Class Settlement Counsel, Angeion distributed one third (1/3) of the total settlement fund in the amount of \$3,733,333.33, plus expenses in the amount of \$78,032.38, in accordance with the terms of the Settlement Agreement and as directed by this Court.

Class Representative Incentive Award Distribution

8. Pursuant to the Court’s Final Approval Order, Angeion distributed an incentive award of \$5,000, for each of the Plaintiffs named in the Consolidated Complaint, including: Brian Farr, Steven Coward, Marc Benefield, Nhung Truong, Gustavo Alfaro, David Yagel, John Hiles III,

Matthew Lisuzzo, Britt Garrett, Christopher Russell, David Miller, James Mike Shows, Todd Witengier, Byron Goetting, Marvin Cabiness, Keith Macomber, Paul Jack, and Anthony Imbarrato (the “Class Representatives”). The distribution of incentive awards to Class Representatives was done in accordance with the terms of the Settlement Agreement and as directed by this Court.

Claim Form Submissions, Processing, and Distributions

9. The deadline for Class Members to timely file claims in the instant matter was January 2, 2018. As of the date of this declaration, Angeion received a total of 4,236 claims. Any claim forms that were submitted on the Settlement Website were received by January 2, 2018. Any claim forms that were submitted by mail and postmarked by January 2, 2018 would have arrived by the date of this declaration, so the total claims number will not change

10. In accordance with the terms of the Settlement Agreement and as directed by this Court, Angeion reviewed the claims submitted and determined that, among the 4,236 claims submitted, a total of 3,861 claims were valid claims pursuant to the terms of the Settlement Agreement. The total benefits claimed by class members through those valid claims equaled \$3,557,961.66

11. Pursuant to the Court’s Final Approval Order, Angeion distributed this \$3,557,961.66 to individual class members that submitted valid claims. These distributions were done in accordance with the terms of the Settlement Agreement and as directed by this Court. Distributions to Class Members are valid for 90 days from the date of issuance (*e.g.*, checks are void after 90 days). Any request for reissue of a distribution will be valid through the original void date or for 30 days from issuance whichever is greater.

Current Total Administrative Fees Invoiced

12. Angeion has processed the claims as described above and will continue to administer the Settlement Fund, including working on identifying any checks that go uncashed, answering claimant questions, and communicating and responding to Settlement Class Counsel. Angeion will also initiate a second *cypres* distribution that will include any unused portion of the \$150,000 holdback, along with any settlement funds that go unclaimed due to the expiry of checks after ninety (90) days post-issuance. As such, Angeion is unable to provide a definitive and accurate

final invoice for the total administration fees that will be incurred in completing this process. As of November 30, 2017 the total amount of administration expenses invoiced is \$270,561.67. In order to establish the final calculation and allocation of funds, Administration expenses incurred and billed after November 30, 2017 will be assessed against the reserve fund as allocated above.

Settlement Fund Reserve

13. Angeion, with the consent Settlement Class Counsel and Defendants' Counsel, has reserved the sum of \$150,000 from the Settlement Fund to pay for administration expenses incurred and not yet invoiced, future post-distribution administration expenses, and any additional distributions that may be deemed necessary (the "Reserve"). After the final void date for settlement distribution payments, which is ninety (90) days from the date of issuance and the expiration of any distribution that is reissued upon class member request, funds remaining in the Reserve shall be combined with all unnegotiated distribution payments (*i.e.* uncashed checks) and allocated equally to the below named *cy pres* recipients. For example, if \$100,000 remains in the Settlement Fund at the end of this process, an additional \$12,500 will go to each of the *cy pres* recipients. This second distribution will supplement the distribution that has already occurred and which is detailed immediately below.

Cy Pres Distribution

14. In total, and as detailed above, the following distributions were made pursuant to the Court's Final Approval Order:

Total Distributions	
Gross Settlement Fund	\$ 11,200,000.00
Atty Fees	\$ 3,733,333.33
Atty Expenses	\$ 78,032.38
Admin Fees	\$ 270,561.70
Incentive Awards	\$ 90,000.00
Distribution	\$ 3,557,961.66
Reserve	\$ 150,000.00
Remainder Left for Cy Pres →	\$ 3,320,110.93

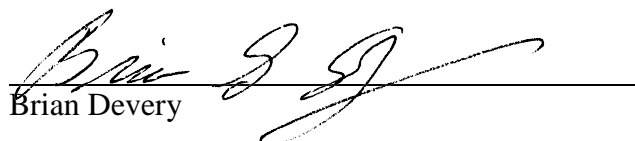
15. Pursuant to the Court's Final Approval Order, Angeion distributed the remaining funds (those not distributed to class members, as attorney's fees and costs, or for administrative expenses) to the eight *cy pres* recipients named in the Final Approval Order. The distributions were made as detailed below:

Cy Pres Recipient	Amount
Electronic Frontier Foundation	\$415,013.86
National Consumers League	\$415,013.86
Public Justice	\$415,013.86
GirlSpring	\$415,013.87
No Bully	\$415,013.87
Berkman Klein Center for Internet & Society at Harvard University	\$415,013.87
Center for Internet Society at Stanford Law School	\$415,013.87
Electronic Privacy Information Center	\$415,013.87

The distributions to the *cy pres* recipients took place in accordance with the terms of the Settlement Agreement and as directed by this Court.

16. Angeion will continue to keep Settlement Class Counsel apprised of the status of the distribution, including payments made, expenses incurred throughout the distribution process, and any unnegotiated distribution payments. Angeion shall report to Settlement Class Counsel any unclaimed funds and/or remainder in the Reserve Fund for distribution to the *cy pres* recipients within 14 days of the expiration of the payments issued to class members as detailed above in paragraph 11.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed this 31st day of January, 2018, at Oakdale, NY.


 Brian Devery